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PTO/SB/33 (11-08)
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)
107439-00098

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on _____

Signature _____

Typed or printed
name _____

Application Number
10/678,136

Filed
October 6, 2003

First Named Inventor
S. GOTO

Art Unit
2457

Examiner
Ho T. SHIU

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

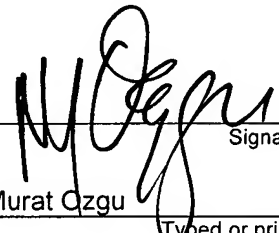
☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.

Registration number 44,275

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____


Signature
Murat Ozgu
Typed or printed name

202-857-6000

Telephone number

December 22, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Confirmation Number: 1080

Shinichiro Goto

Atty. Docket Number: 107439.00098

Serial Number: 10/678,136

Group Art Unit: 2457

Filed: October 6, 2003

Examiner: Ho T. SHIU

For: CLIENT-SERVER VEHICLE DATA COMMUNICATION SYSTEM AND SERVER
AND CLIENT TERMINAL OF THE SYSTEM

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Date: **DECEMBER 22, 2008**

Sir:

The Applicant respectfully requests the Response dated November 7, 2008, which was filed in reply to the outstanding Office Action dated August 20, 2008, be reconsidered so that prosecution of the subject application may continue because the November 7 Response does not introduce new issues requiring further consideration on the part of the Examiner for the reasons provided herein.

No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

Claims 1-2 and 11-14 are pending in the subject application. Claims 1-2 and 11-14 are rejected. The outstanding August 20, 2008 Final Office Action is the second Office Action in this application. Therefore, the application qualifies for Appeal.

The outstanding Office Action rejects Claim 1 under 35 U.S.C §103(a) as being unpatentable over United States Patent No. 7,003,289 to Kolls in view of U.S. Patent No. 6,449,695 to Berezhnyi et al.; Claims 2 and 11-13 are rejected under 35 U.S.C §103(a) as being unpatentable over Kolls in view of Berezhnyi and further in view of U.S. Patent No. 5,999,876 to Irons et al.; Claim 14 is rejected under 35 U.S.C §103(a) as being unpatentable over Kolls in view of Berezhnyi and further in view of U.S. Patent No. 6,097,314 to Desens et al.; and Claim 1 is rejected under 35 U.S.C §103(a) as being

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unpatentable over U.S. Patent Application Publication No. 2003/0055924 to Matsugatani in view of Irons and in further view of Bereznyi and U.S. Patent No. 6,785,769 to Jacobs and U.S. Patent No. 6,014,667 to Jenkins et al. Applicant (Appellant) respectfully traverses the rejections and maintains the pending claims are patentable over the cited art of record as none of the art, alone or in combination, teach the invention recited by Claim 1 and the claims depending there from.

On November 7, 2008, Applicant filed a Response to the outstanding Office Action traversing the rejection of Claims 1-2 and 11-14 without amending the claims. An Advisory Action dated December 5, 2008 indicated the November 7 Response has been considered and entered into the record, but deemed not to place the application in condition for allowance.

The reason provided in the December 5 Advisory Action for the November 7 Response not placing the application in condition for allowance is that Jacobs teaches a feature recited by Claim 1 that is not taught or suggested by the remaining cited art of record. The November 7 Response argued that Jacobs, like the remaining cited art of record, fails to teach or suggest a service contents managing section for managing a plurality of service contents to be provided to a client terminal of a vehicle, wherein the service contents managing section includes a cache identifier providing section for assigning each service content provided to the client terminal a cache identifier which indicates a data cache stored duration time in the client terminal, so as to manage the data cache stored duration time of the service content, as is recited by Claim 1. See the paragraph bridging pages 8-9 of the November 7 Response. The December 5 Advisory Action asserts that Jacobs teaches the aforementioned feature that is recited by Claim 1.

The December 5 Advisory Action asserts that Jacobs teaches **a session** identifier, which holds an expiration of **a session**. Applicant respectfully agrees with the assertion that Jacobs teaches a method or system that determines whether a session for serving cached data is near an expiration time. However, Applicant respectfully maintains at no point does Jacobs teach or suggest a service contents managing section including a cache identifier providing section for assigning each service content provided to the client terminal **a cache identifier which indicates a data cache stored duration time**. As explained in detail starting at column 8, line 44 to column 9, line 13, Jacobs teaches a

session identifier that helps determine how much of the session's lifetime has elapsed or remains, a time period that can be terminated, reset, or extended (column 8, lines 48-59).

The December 5 Advisory Action alleges that Jacobs teaches the feature of the session identifiers determine how long the cache system has to store the data item temporarily before the data is no longer available, and as such, the session identifier provides the client terminal with a cache identifier which indicates a data cache stored duration time. Applicant respectfully submits the allegation is factually erroneous. Rather, as clearly stated in column 8, lines 51-56 of Jacobs, if a session is inactive for a period of time, the session may be terminated and the session identifier deemed invalid and, if a subsequent request is received, a new session and session identifier is generated. Yet at no point does Jacobs teach or suggest that the session identifier indicates or determines the data cache stored duration time as is alleged by the Advisory Action. Jacobs merely provides an indication or determination as to whether a session for serving cached data is near expiration. At no point does Jacobs suggest that the session identifier indicates a cache data stored duration time or equivalent thereto. The Jacobs cache system may store information relating to the expiration of a session, query the origin server to learn if the session is nearly expiration, or even track the amount of time between requests forwarded to the origin server. Yet, at no point does Jacobs teach or suggest a cache identifier that indicates a data cache stored duration time assigned to each service content so as to help manage the data cache stored duration time of the service content.

The Advisory Action asserts that Jacobs teaches an identifier that provides a client terminal with a cache identifier that indicates a data cache stored duration time. Applicant has searched Jacobs thoroughly and is unable to locate the term data cache stored duration time or a synonym or equivalent thereto. As such, Applicant submits it is factual error to assert that Jacobs teaches the client terminal uses the server, and the cache state managing section for managing the data cache stored duration time of the service content is then provided from the server according to the cache identifier assigned to the service content. Applicant submits the Advisory Action asserts features that are not taught or suggested by Jacobs and that Jacobs merely determines whether a session for serving cached data is about to expire, which is a completely different feature than the aforementioned feature, which is not taught by any of the cited art of record.

In view of the above, Applicant respectfully submits that the cited art of record, i.e., Kolls, Bereznyi, Irons, Desens, Matsugatani, Jenkins and in particular Jacobs, alone or in any combination thereof, fail to teach or suggest the features of the invention recited by Claim 1. Therefore, if one of ordinary skill in the art were to combine the teachings of the applied references, the combined teachings would not result in the invention recited by Claim 1. Accordingly, Applicant respectfully submits that Claim 1 is not rendered obvious by Kolls, Bereznyi, Irons, Desens, Matsugatani, Jacobs and Jenkins, alone or in any combination thereof, and should therefore be deemed allowable.


Claims 2 and 11-14 depend from Claim 1. It is respectfully submitted that these dependent claims be deemed allowable for at least the same reason(s) Claim 1 is allowable, as well as for the additional subject matter recited therein.

In view of the above, reconsideration of the application, withdrawal of the outstanding rejections, allowance of Claims 1-2 and 11-14, and the prompt issuance of a Notice of Allowability is respectfully requested.

Should the Examiner believe anything further is desirable in order to place the application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 107439.00098.**

Respectfully submitted,


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Enclosures: Notice of Appeal to the BPAI
Petition for Extension of Time
Pre-Appeal Brief Request for Review (Form PTO/SB/33)